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January 13, 2016

Honorable Alison J. Nathan
United States District Judge
United States District Court for the
Southern District of New York
Thurgood Marshall
United States Courthouse, Room 906
40 Foley Square
New York, NY 10007

Re: *Olagues, et ano. v. Perceptive Advisers LLC, et al.*
15-cv-1190 (AJN)

Dear Judge Nathan:

We represent Defendants Perceptive Advisers LLC (sued as Perceptive Advisers LLC), Joseph Edelman, and Perceptive Life Sciences Master Fund, Ltd. (collectively, the "Defendants") in the above-referenced action. We are writing with respect to the document entitled "Motion for Summary Judgment Rule 56 FRCP" filed by the Plaintiffs which was entered on January 11, 2016 (the "Motion for Summary Judgment").

The Defendants' Motion to Dismiss the Second Amended Complaint is currently pending before this Court. Defendants' filed their Reply Memorandum of Law in support of this motion today, and the motion is fully submitted and is awaiting oral argument. The Court may recall that Defendants filed an earlier Motion to Dismiss with respect to the First Amended Complaint, and the Plaintiffs filed their Second Amended Complaint while that motion was pending, thereby requiring Defendants to prepare a second Motion to Dismiss which is the one currently pending.

For the reasons set forth below, we respectfully request the Court to defer the briefing schedule on the Plaintiffs' Motion for Summary Judgment until the pending Motion to Dismiss is decided:

First, if the pending Motion to Dismiss is granted, it will render the Plaintiffs' Motion for Summary Judgment as moot, thereby conserving the resources of the Court and avoiding the need for the parties to incur the considerable expense of a separate Motion for Summary Judgment.

TANNENBAUM HELPERN SYRACUSE & HIRSCHTRITT LLP

Honorable Alison J. Nathan
January 13, 2016
Page 2

Second, the Motion for Summary Judgment is defective in that the Plaintiffs have failed to comply with Your Honor's Rules pertaining to motions for summary judgment which provide, in pertinent part, that

[a] pre-motion conference with the Court is required before making any such motion. To arrange a pre-motion conference, the moving party shall submit a letter of not more than two pages setting forth the basis for the anticipated motion and explaining why exceptional circumstances justify submitting it before discovery closes.

Third, the Plaintiffs have failed to include with their motion "a separate, short and concise statement, in numbered paragraphs, of the material facts as to which the [Plaintiffs] contend there is no genuine issue to be tried," as required by Rule 56.1(a) of the Local Rules of this Court.

We respectfully request that Your Honor grant the relief requested in this letter application by issuing a Memorandum Endorsed Order, in the place provided below. If the Court is not inclined to grant such relief, we respectfully request that the Court schedule a telephonic conference in accordance with its Rules to discuss the proposed motion.

Respectfully submitted,



Ralph A. Siciliano

cc: John Olagues (via e-mail to olagues@gmail.com and First-Class Mail)
Ray Wollney (via e-mail to rwollney1@comcast.net and First-Class Mail)
Plaintiffs, Pro Se

It is so-ordered that the relief requested in the within letter application is granted, and the briefing schedule on the Motion for Summary Judgment filed by the Plaintiffs be, and hereby is, deferred until the pending Motion to Dismiss the Second Amended Complaint is decided:

U.S.D.J.